

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12271 of Ms. Richmond Harris pursuant to Subsection 8207.2 of the Zoning Regulations, for a special exception under Subsection 7104.2, to permit the change of a nonconforming use from a grocery store to a thrift store. The property is in the R-4 District at 401 - 14th Street, N. E., Lot 44, Square 1053.

HEARING DATE: March 19, 1977

DECISION DATE: April 6, 1977

DISPOSITION: Application GRANTED with conditions by a vote of 3-1 (William F. McIntosh, Walter B. Lewis and Leonard L. McCants, Esq., to grant, Lilla Burt Cummings, Esq., to deny)

FINAL DATE OF ORDER: July 7, 1977

ORDER

Upon consideration of the Opposition's (Terry H. Brooks) Motion for Reconsideration dated June 10, 1977, the Board finds that the Motion fails to state an acceptable basis of error on the part of the Board to support a Motion for Reconsideration. It is therefore ORDERED that the Motion for Reconsideration be DENIED.

DECISION DATE: August 3, 1977

VOTE: 5-0 (Charles R. Norris, William F. McIntosh, Chloethiel W. Smith, Dr. Walter B. Lewis, and Leonard L. McCants)

BY ORDER OF D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY

Arthur B. Halton
~~STEVEN E. SHER~~ acting
Executive Director

FINAL DATE OF ORDER: 8-9-77

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12271 of Mrs. Richmond Harris, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception to permit a change in non-conforming use (Sub-section 7104.2) from a grocery store to a thrift store in the R-4 District at 401 - 14th Street, N. E. (Square 1053, Lot 44).

HEARING DATE: March 19, 1977

DECISION DATE: April 6, 1977

FINDINGS OF FACT:

1. The subject property is located at the northeast corner of 14th and D Streets, N. E. The property is improved with a two story brick structure.

2. The property is presently being used as a thrift store on the first floor. The last recorded Certificate of Occupancy for the first floor was issued for a grocery store (No. B-93943, issued on August 5, 1975). The premises have been used as a grocery store for many years.

3. A grocery store is a use first permitted in a C-1 District. A thrift store selling wearing apparel and accessories would be a use permitted in a C-1 District.

4. The grocery store formerly operated until 9:0'clock in the evening. The thrift store will have more limited hours of operation.

5. The sales activities will service the neighborhood, which has a significant number of low or moderate income residents.

6. The potential traffic which might be generated by the proposed thrift store is likely to be less than that generated by a grocery store.

7. The Municipal Planning Office, by written report dated March 10, 1977, opposed the application. At the public hearing, the Municipal Planning Office amended its recommendation based on testimony presented, to offer no objection to the change.

8. The Capitol Hill Restoration Society, by letter dated March 16, 1977 and by presentation at the hearing, supported the proposed change subject to conditions concerning the proper designation of the use and the condition of the building.

9. There was opposition to the application, based on traffic and unsightly conditions. The Board finds that such negative results are unlikely to occur.

CONCLUSIONS OF LAW AND OPINION:

The Board concludes that the proposed change can be granted, in that both the former and proposed use are permitted in a C-1 District. The Board concludes that the proposed use will service the neighborhood in which it is located, and will not create objectionable conditions. The Board is further of the opinion that, subject to the below conditions, the granting of this special exception will not adversely affect the use of neighboring properties and is in harmony with the general purposes of the Zoning Regulations. It is therefore ORDERED that the application is hereby GRANTED subject to the following CONDITIONS:

a. The physical appearance of the structure be improved along the lines of the restored structures abutting the property; and


b. The Certificate of Occupancy shall describe the non-conforming use as a "second-hand goods store" rather than a thrift store.

VOTE:

3-1 (William F. McIntosh, Dr. Walter B. Lewis, Leonard L. McCants, Esq. to grant; Lilla Burt Cummings, Esq. to deny)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER:

7 JUL 1977

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.